

## The USSR, Eastern Europe and the Development of the Law of the Sea, Compiled, Translated and Edited by William E. Butler

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**THE USSR, EASTERN EUROPE AND THE DEVELOPMENT OF THE LAW OF THE SEA.** Compiled, translated and edited by William E. Butler. New York, N.Y.: Oceana Publications, Inc., 1983, 133 pp., loose-leaf binder.

Mr. Butler, Professor of Comparative Law at the University of London and Director of the Centre for the Study of Socialist Legal Systems at University College, London, continues his impressive list of publications on Soviet international legal practice. The current volume is a collection of thirteen pieces of Soviet domestic legislation, Soviet bilateral agreements (with Finland, the German Democratic Republic, and Poland), and the Statement of the Soviet Government responding to the United States' declaration of an exclusive economic zone. The proximate reason for the publication of this and companion volumes by Oceana is the signing of the United Nations Convention on the Law of the Sea<sup>1</sup> [hereinafter UNCLOS III Convention] on December 10, 1982. Therefore, the legislative acts and bilateral agreements are organized in an outline reflective of the UNCLOS III Convention.

This book will disappoint readers of Mr. Butler's analytic works, such as *The Soviet Union and the Law of the Sea* (Baltimore and London: Johns Hopkins Press, 1971) or his survey of the USSR in an earlier Oceana publication, *New Directions in the Law of the Sea*, Volume III, edited by Robin Churchill, K. R. Simmonds, and Jane Welch (1973). Subscribers to *The USSR, Eastern Europe and the Development of the Law of the Sea* can only hope that subsequent releases will contain analyses equal to Mr. Butler's earlier contributions.

Mr. Butler's observation, in the Introduction to this work, rightly concludes that "Soviet interpretations and applications of the [UNCLOS III] Convention, . . . are likely to have an impact far beyond the group of States ideologically, politically, and economically close to her . . ." Unfortunately, only four of the documents Mr. Butler has chosen for inclusion in the current work are completely new acts dating from 1982. Of these, the 1982 Law on the State Boundary, the provisional measures regulating Soviet enterprises in the Seabed Area (1982), and the USSR response to the U.S. proclamation of an exclusive economic zone are welcome contributions to the corpus of Soviet legislation translated into English. Mr. Butler has also included four historic pieces of legislation that had not previously been found in Oceana's publications: the 1926 Proclamation of Lands and

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1. United Nations Convention on the Law of the Sea, *opened for signature* Dec. 10, 1982, U.N. Doc. A/CONF. 62/122 (1982), *reprinted in* 21 I.L.M. 1261 (1982) *and in* UN CONVENTION ON THE LAW OF THE SEA 1982 (K.R. Simmonds ed. 1983).

Islands Located in the Northern Arctic Ocean as Territory of the USSR, which formed the basis for the Soviet sector claim,<sup>2</sup> the 1968 decree relating to pollution of the Caspian Sea, the 1980 edict on fundamental principles of water legislation, and the 1981 edict on compensation by ship-owners for losses caused by pollution. In addition, four Soviet laws that were translated in his *Collected Legislation of the Union of Soviet Socialist Republics and the Constituent Union Republics* (Oceana, 1979) have been included in the new work, but with revised texts reflecting amendments resulting from "the large-scale systematization of Soviet legislation" that brought such laws into conformity with the 1977 USSR Constitution.

This reviewer was puzzled by Mr. Butler's choice of bilateral agreements to be translated for the new series. All four agreements appear in the antecedent Oceana publication, *The Eastern European States and the Development of the Law of the Sea*, edited by Viktor Sebek (1979). Although Mr. Butler's translations are superior to those of Mr. Sebek, none of these agreements reflect post-Convention developments, nor are these four texts exhaustive of Soviet bilateral maritime boundary agreements. Perhaps Mr. Butler will retranslate the remaining Soviet bilateral agreements in following installments to the volume.

Mr. Butler's readers would have been better served if two additional bilateral agreements, not yet published by Oceana, had been included in the new series: the 1980 Turkey-USSR descriptive protocol<sup>3</sup> that delimits the territorial sea boundary defined in the 1973 protocol which Mr. Sebek reprinted in Russian, and the 1978 Turkey-USSR continental shelf boundary agreement.<sup>4</sup>

In his brief introduction to the current volume, Mr. Butler states that the mandate for this volume covers "the Soviet Union, Mongolia, [the] German Democratic Republic [GDR], Poland, Czechoslovakia, Hungary, Rumania, Bulgaria, [and] Yugoslavia." Leaving aside a geographer's concern about including Mongolia in a volume entitled *The USSR, Eastern*

2. The Soviets used this proclamation as the basis for broad claims to areas of the Arctic Circle. 2 M. WHITEMAN, *DIGEST OF INTERNATIONAL LAW* 1051 (1963).

3. Protocol - description of the course of the Soviet-Turkish Sea boundary line between the territorial seas of the Union of Soviet Socialist Republics and the Republic of Turkey in the Black Sea, T.C. Resmî Gazete, Issue No. 17749 (July 9, 1982) [soon to be reprinted in *OFFICE OF THE GEOGRAPHER, U.S. DEP'T OF STATE, LIMITS IN THE SEAS* (a series of pamphlets)].

4. The Agreement between the government of the Republic of Turkey and the Union of Soviet Socialist Republics on the delimitation of the continental shelf between the Republic of Turkey and the Union of Soviet Socialist Republics in the Black Sea, T. C. Resmî Gazete, Issue No. 17226 (Jan. 20, 1981) [soon to be reprinted in *OFFICE OF THE GEOGRAPHER, U.S. DEP'T OF STATE, LIMITS IN THE SEAS* (a series of pamphlets)].

*Europe and the Development of the Law of the Sea*, the contents of the first installment deal exclusively with the USSR and its bilateral agreements, including Baltic Sea agreements with the GDR and Poland. Although Mr. Butler gives us the text of the Soviet statement in response to the U.S. proclamation of a 200-nautical-mile exclusive economic zone, he fails to include declarations made by the USSR, GDR, Rumania, the Byelorussian SSR, and the Ukrainian SSR upon signing the 1982 UNCLOS III Convention. These declarations certainly are indicative of Soviet and Eastern European policy on the law of the sea. They are not identical. Their presentation and a commentary on similarities and differences would be appropriate to the avowed purpose of this book.

This new, re-structured version updates Viktor Sebek's massive, two volume work. Mr. Butler includes both domestic legislative acts and bilateral agreements, whereas Mr. Sebek included only the latter. The Sebek volumes, however, included 574 pages of analysis, giving an exemplary exposition of the development of maritime policy in Eastern Europe and the USSR. Unlike Mr. Sebek's collection, which reproduced some documents in the original languages without English translations, all the documents in Mr. Butler's compendium are translated into English—a significant improvement. Mr. Butler's careful translations of boundary terms are much superior to the English renderings for the same terms in Mr. Sebek's collection. For example, Mr. Sebek used the word "frontier," which is a zone, for "boundary"—a linear feature. Similarly, "define" was used by Mr. Sebek where the term "delimit" is more appropriate. This difference is important, for the settlement of international maritime boundaries frequently requires several stages. An initial agreement often only *defines* the boundary in general terms (*i.e.*, a line that is equidistant, or a line that proceeds from a given point in a specific direction). A later agreement *delimits* the final form of a boundary by specifying the geographic coordinates of the turning points of the boundary line and the type of line segment to be used. Although Mr. Butler's translations are technically more accurate, Mr. Sebek's extensive references to multiple sources, including the United Nations Treaty Series and gazettes of the other parties—in addition to Soviet sources—and his footnotes referring the reader to sources for documents cited within the texts of bilateral agreements are features that would be welcome additions to future releases prepared by Mr. Butler.

Mr. Butler's current contribution must also be viewed in the context of Oceana's other law-of-the-sea publications. Oceana has a general "service" that includes the eleven volume, hard-cover *New Directions in the Law of the Sea*, published under various editors from 1973 to 1981, and *New Directions in the Law of the Sea* [Revised Series] in loose-leaf format compiled and edited by Kenneth R. Simmonds (1983). In addition, it has produced four "regional" series that deal with North America and the Pacific

Rim, Western Europe, Latin America, and Eastern Europe. Mr. Butler is a Specialist Consulting Editor on the Simmonds work, as well as being the editor of one of four "new," post-UNCLOS III Convention, regional services that update the earlier series. This reviewer finds the similarities in the names of the old and new series, both general and regional, to be confusing. The lack of cross-references is especially distressing. Cumulative indices for each of the component series would greatly aid users.

*The USSR, Eastern Europe and the Development of the Law of the Sea* provides a useful collection of Soviet laws and agreements and excellent English translations by Mr. Butler. It includes, however, little analysis of the *development* of the law of the sea in the USSR. No Eastern European laws are included. The four bilateral agreements featured focus on the USSR and were concluded over fifteen years ago. Moreover, documents which should have been included, such as two recent Turkey-USSR maritime boundary agreements and declarations made upon signing the UNCLOS III Convention by the USSR and several East European countries, were not. Such materials would be welcome additions to future releases by this Oceana service and would provide a point of departure from which Mr. Butler could demonstrate his well established analytic skills.

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